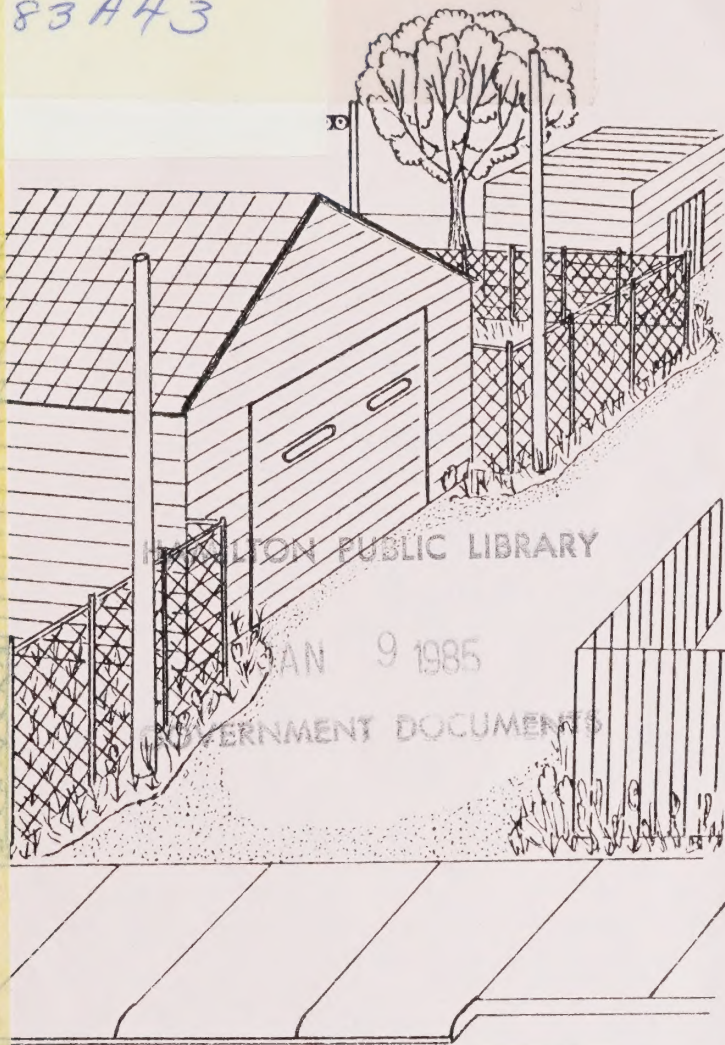


ALLEYS

IN THE CITY OF HAMILTON

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HAMILTON - WENTWORTH

ALLEYS IN THE CITY OF HAMILTON

ORIGIN

All alleys in the City of Hamilton were created by plans of subdivision or by By-law. Generally, the alleys were established to provide access to rear yards

TYPES OF ALLEYS

There are three types of alleys:

1. Public Unassumed
2. Public Assumed
3. Private Alleys (Rights-of-Way)

1. Public Unassumed Alleys

Where alleys have been created by a plan of subdivision and have had only limited maintenance performed by the City, they are termed public unassumed alleys.

The City has special legislation (The City of Hamilton Act, 1973), and By-Law No. 73-160 was passed pursuant to this Act permitting limited maintenance, e.g. removal of debris, dead trees and health hazards without affecting their unassumed status.

2. Public Assumed Alleys

Alleys may be assumed by:

(a) By-law and (b) spending public funds on the work within the alley.

- a) The Regional Commissioner of Engineering may recommend to the Transport and Environment Committee and City Council that an alley be assumed by By-law if he has in his possession a sufficiently signed petition from the abutting owners to pave the alley under The Local Improvement Act.

- b) The alleys become assumed if public funds are spent on construction of sewers, watermains or pavement in the alleys.

3. Private Alleys (Right-of-Way)

Private alleys are privately owned lanes, usually for access to one or more properties. These private alleys are usually owned by one owner and several other abutting owners may use this lane as access to their properties. This right-of-way would normally be registered with the deed to each property. The City has no involvement in these private alleys.

HOW TO HAVE RUBBISH, CARS, FENCES, GARAGES, ETC., REMOVED FROM ALLEYS IN THE CITY OF HAMILTON

1. It is assumed that you have already asked the person who placed the item in the alley to remove it, and that he/she has not done so.
2. The City or Region will be able to help you in some cases, but it depends on what kind of alley it is: "public assumed"; "public unassumed", or "private".
3. "Public Assumed" alleys are normally paved and often have city "No Parking" signs in them. To have one of the following removed:

RUBBISH - Write or Call:

The Public Works Department, City Hall
Hamilton, Ontario
or
telephone: 526-4626
and someone will come to clean it up.

CAR - Write or Call:

The Traffic Division, Police
Department
Central Police Station
Hamilton, Ontario
or
telephone: 522-4925
and a traffic ticket will be
issued.

FENCE OR GARAGE - Write or Call:

Regional Municipality of Hamilton-
Wentworth
Department of Engineering
City Hall, Hamilton
or
telephone: 526-4297
and steps will be taken to have
the fence or garage removed.

4. If there isn't a "No Parking" sign, the alley may be what is called a "public unassumed alley". To have one of the following removed:

RUBBISH - Write or Call:

The Public Works Department
City Hall, Hamilton, Ontario
or
telephone: 526-4626
and someone will come to clean
it up.

CAR, FENCE OR GARAGE

Write or telephone your lawyer,
asking him/her to write to the
person who placed the item (or
to take legal proceedings against
that person), requiring him/her to
remove it. You would have to pay
your lawyer's fees.

Where the alley is a private alley, (or right-of-way), to have one of the following removed:

RUBBISH, CAR, FENCE OR GARAGE

Write or telephone your lawyer, asking him/her to write to the person who placed the item, (or to take legal proceedings against that person) requiring him/her to remove it. You would have to pay your lawyer's fees.

6. If you are not sure what kind of alley it is, you may find out by telephoning the Regional Engineering Dept. at 526-4297.
7. If you wish to have a "public un-assumed" alley changed to a "public assumed" alley, so that the City will deal with the items in it, as described in (3) above, obtain a petition, by writing to:

Secretary (Engineering)
Transport and Environment Committee
City Hall, Hamilton, Ontario

The petition is a formal request that the City assume the alley by paving it with concrete, at the expense of the owners of the lands which abut the alley.

For the petition to be acted on, it need not be signed by all of the abutting owners. It is necessary, however, that it be signed by at least two-thirds of the abutting owners and that their properties be worth at least one-half of all the properties abutting.

You should take the petition around to the abutting owners, and when enough of them appear to have signed, send or take it to Mr. E. A. Simpson, the City Clerk who will decide whether it has been "sufficiently signed". If it has been, it will be submitted to the Transport and Environment Committee. If the Committee is in favour of having the City assume the alley, it will recommend to City Council. If City Council accepts the recommendation, the alley will be paved.